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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,480	05/02/2001	Suzan Hardy	20010196.ORI	6233

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

Office Action Summary	Application No. 09/847,480	Applicant(s) HARDY, SUZAN	
	Examiner Naschica S Morrison	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the fifth Office Action for serial number 09/847,480, Support Device, filed on May 2, 2001. Claims 1, 2, 4, 6-8, and 10-15 are pending.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4, 6-8, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,305,652 to Borke et al. (Borke) in view of U.S. Patent 4,948,039 to Amatangelo and further in view of U.S. Patent 4,044,980 to Cummins. With regards to claims 1, 4, 6-8, and 11-13, Borke discloses a foldable plastic support device (Fig. 7) formed from rectangular, planar upper and lower parallel support surfaces (at 20, surface between 20 and 44) having a plurality of cuts, each cut running through the upper surface from one side edge of the upper surface to an opposite side edge, each cut permitting folding of the device about a corresponding fold line in the lower surface, the cuts and fold lines being of a number and spaced so as to form, in sequence, a working surface panel (20), an elevation panel (28), a support panel (32), and a lip panel (38); the support panel being smaller than the working surface panel, the elevation panel being smaller than the support panel, and the lip panel being the smallest; the panels foldable, about the fold lines in the lower surface, in one direction out of the plane of the parallel surfaces, into an operative configuration so that the

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working surface panel (20) is upwardly and rearwardly inclined with respect to a horizontal support surface, wherein the working surface panel is supported during use at a lower front edge (22) of the working surface panel (20) and along an edge of the support panel near the juncture of the elevation and support panels and further the working surface panel (20) is supported at an upper rear edge thereof by the elevation panel (28); wherein the working surface and lip panels (20,38) are provided with hook and pile fasteners (44,46) for releasably securing the lip panel (38) at an intermediate position between the lower front edge and upper rear edge of the working surface panel (20), whereby all the panels are held in the operative configuration; wherein the panels are foldable into a flat, storable, carrying configuration (Fig. 4) with the lower surface of the support panel (32) confronting the lower surface of the working surface panel (20). Borke does not disclose the device formed of sheets separated by longitudinally spaced, parallel ribs. Amatangelo teaches a foldable support device (Fig. 1) comprising plastic panels (12) formed of parallel sheets (14,16) separated by longitudinally spaced, parallel ribs (18) and wherein the panels are foldably, hingedly attached by a cut (40) in one of the sheets (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device to be formed from a plastic sheet material comprised of upper and lower sheets separated by longitudinally spaced, parallel ribs because one would have been motivated to provide a foldable support that is simple and efficient to use and easily collapsible as taught by Amatangelo (col. 2, lines 22-25). Borke in view of Amatangelo also fails to disclose the lip panel secured at a position approximately half way between the lower front edge and upper rear edge of

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the working surface panel; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by attaching the lip panel along various locations of the working surface panel because one would have been motivated to permit variance in the angle of inclination of the working surface panel as inherently taught by Borke (Figs. 5A-7). Borke in view of Amatangelo also fails to teach friction pads provided on the front edge (at 22 generally) of the lower sheet of the working surface panel (20) and the upper sheet of the support panel (32) near the elevation panel (28). Cummins teaches a support device (Fig. 2) including friction pads (26) located at the front and rear edges of a bottom supporting surface (22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by including friction pads located on the working surface and support panels at the supporting-providing locations because one would have been motivated to frictionally restrain the support device against sliding movement when resting (in orientations shown in Figs. 7 and 8) on a working surface as taught by Cummins (col. 3, lines 25-30).

Regarding claims 12 and 13, Borke in view of Amatangelo does not disclose the lower surface of the support panel (32) including securing means for engagement with the hook and pile fasteners on the lower surface of the working surface panel (20) in the carrying configuration. However, Borke does teach the lower surface of the lip panel (38) including hook and pile fasteners (46) for engagement with the hook and pile fasteners (44) of the working support panel (20) in a carrying configuration (Fig. 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to have modified the lower surface of the support panel by providing hook and pile fasteners for mating with hook and pile fasteners on the working surface panel because one would have been motivated to permit releasable securement of the panels (20,32) in the compact carrying configuration of Figure 4 as taught by Borke (Fig. 8).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Amatangelo in view of Cummins and further in view of U.S. Patent 5,042,670 to Timberlake. With regards to claim 2, Borke in view of Amatangelo in view of Cummins discloses the support device as applied above, but does not teach clip means. Timberlake teaches a support device (Fig. 3) including a working surface (29) having clip means (37) at its rear edge (13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by including clip means at the upper rear edge of the working surface panel because one would have been motivated to have provide a means for securely supporting a document resting on the working surface as taught by Timberlake.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Amatangelo in view of Cummins in view of Timberlake, and further in view of U.S. Patent 5,722,691 to Patel. With regards to claim 10, Borke in view of Amatangelo in view of Cummins in view of Timberlake discloses the support device as applied to claim 2 above, but does not disclose the clip means including a pair of jaws. Patel teaches a support device (Fig. 2) comprising a working surface panel (20) including clip means (Fig. 5) comprising an upper jaw (40) hingedly interconnected to a bottom jaw

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(52) affixed to the working surface panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by providing a clip means having biased upper and lower jaws because one would have been motivated to permit gripping and holding of thin sheets supported by the device as taught by Patel.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Amatangelo in view of Cummins and further in view of U.S. Patent 4,722,504 to Degenholtz. With regards to claims 14 and 15, Borke in view of Amatangelo in view of Cummins does not disclose the lip panel (38) including hook and pile fasteners on the upper surface for engagement with the hook and pile fasteners (44) on the lower surface of the working surface panel (20). Degenholtz discloses a support device (Fig. 11) including a working surface panel (208) and a lip panel (214) having hook and pile fasteners (212) on an upper surface for engagement with hook and pile fasteners on a lower surface of the working surface panel (208). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the lip panel by providing hook and pile fasteners on the upper surface as an alternative arrangement for securing the lip panel to the working surface panel as taught by Degenholtz.

Response to Arguments

Applicant's arguments filed 12/4/03 have been fully considered but they are not persuasive.

In response to applicant's argument that Amatangelo is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. In this case, Amatangelo is pertinent to the problem of providing an integral hinge of sufficient strength within a foldable blank of plastic material.

Regarding applicant's argument that Amatangelo teaches away from the present invention, examiner respectfully disagrees. Applicant cites col. 1, lines 56-60 in support of his position. However, the passage recited by applicant does not teach against fluted plastic and does not suggest that a thinner plastic is "analogous to using cardboard" or "commonly accepted as not strong enough". On the contrary, Amatangelo clearly states that the "ordinary person" has erred in the belief that a fluted plastic panel is analogous to cardboard and thus would not be strong enough, and further teaches that a fluted plastic panel is adequate for forming a hinge (see col. 1, lines 60-68 through col. 2, line 2).

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
2/9/04


ANITA KING
PRIMARY EXAMINER